

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

THADDEUS TYSON MANN,

Case No. 3:24-cv-00599-ART-CLB

Plaintiff,

ORDER

v.

MINERAL COUNTY SHERIFF'S  
OFFICE, et al.,

Defendants.

Plaintiff Thaddeus Tyson Mann brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while incarcerated at Mineral County Detention Center. (ECF No. 1-1). On January 10, 2025, this Court ordered Mann to file a fully complete application to proceed *in forma pauperis* or pay the full \$405 filing fee on or before March 11, 2025. (ECF No. 3). The Court warned Mann that the action could be dismissed if he failed to file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$405 filing fee for a civil action by that deadline. (*Id.* at 2). The Court's order came back as undeliverable to the last address that Mann provided. The March 11, 2025, deadline past, and Mann did not file a fully complete application to proceed *in forma pauperis*, pay the full \$405 filing fee, file an updated address, or otherwise respond.

**I. DISCUSSION**

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party's failure to obey a court order or comply with local rules. *See Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of

1 address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)  
2 (dismissal for failure to comply with court order). In determining whether to  
3 dismiss an action on one of these grounds, the Court must consider: (1) the  
4 public's interest in expeditious resolution of litigation; (2) the Court's need to  
5 manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy  
6 favoring disposition of cases on their merits; and (5) the availability of less drastic  
7 alternatives. *See In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217,  
8 1226 (9th Cir. 2006) (quoting *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th  
9 Cir. 1987)).

10 The first two factors, the public's interest in expeditiously resolving this  
11 litigation and the Court's interest in managing its docket, weigh in favor of  
12 dismissal of Mann's claims. The third factor, risk of prejudice to defendants, also  
13 weighs in favor of dismissal because a presumption of injury arises from the  
14 occurrence of unreasonable delay in filing a pleading ordered by the court or  
15 prosecuting an action. *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir.  
16 1976). The fourth factor—the public policy favoring disposition of cases on their  
17 merits—is greatly outweighed by the factors favoring dismissal.

18 The fifth factor requires the Court to consider whether less drastic  
19 alternatives can be used to correct the party's failure that brought about the  
20 Court's need to consider dismissal. *See Yourish v. Cal. Amplifier*, 191 F.3d 983,  
21 992 (9th Cir. 1999) (explaining that considering less drastic alternatives *before*  
22 the party has disobeyed a court order does not satisfy this factor); *accord*  
23 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that  
24 “the persuasive force of” earlier Ninth Circuit cases that “implicitly accepted  
25 pursuit of less drastic alternatives prior to disobedience of the court's order as  
26 satisfying this element[,]” *i.e.*, like the “initial granting of leave to amend coupled  
27 with the warning of dismissal for failure to comply[,]” have been “eroded” by

1 Yourish). Courts “need not exhaust every sanction short of dismissal before  
2 finally dismissing a case, but must explore possible and meaningful  
3 alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986).  
4 Because this action cannot realistically proceed until and unless Mann either  
5 files a fully complete application to proceed *in forma pauperis* or pays the \$405  
6 filing fee for a civil action, the only alternative is to enter a second order setting  
7 another deadline. But the reality of repeating an ignored order is that it often  
8 only delays the inevitable and squanders the Court’s finite resources. The  
9 circumstances here do not indicate that this case will be an exception. Without  
10 an updated address for Mann, it is unlikely that a second order would even reach  
11 him. Setting a second deadline is not a meaningful alternative given these  
12 circumstances. So the fifth factor favors dismissal.

## 13 II. CONCLUSION

14 Having thoroughly considered these dismissal factors, the Court finds that  
15 they weigh in favor of dismissal. It is therefore ordered that this action is  
16 dismissed without prejudice based on Mann’s failure to file a fully complete  
17 application to proceed *in forma pauperis* or pay the full \$405 filing fee in  
18 compliance with this Court’s January 10, 2025, order. The Clerk of Court is  
19 directed to enter judgment accordingly and close this case. No other documents  
20 may be filed in this now-closed case. If Mann wishes to pursue his claims, he  
21 must file a complaint in a new case.

22 DATED THIS 20<sup>th</sup> day of March 2025.

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25 ANNE R. TRAUM  
26 UNITED STATES DISTRICT JUDGE  
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